

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

AMERICAN CENTRAL INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05-cv-143 (DCB) (JCS)

MASSEY LAND & TIMBER, LLC;
DAVID BREWER, INC.;
BREWER CONSTRUCTION, INC.;
AND PEAR ORCHARD VICKSBURG, LLC

DEFENDANTS

ORDER SETTING ASIDE CLERK'S ENTRY OF DEFAULT

This cause is before the Court on defendant Massey Land & Timber, LLC's motion to set aside clerk's entry of default and motion to set aside default (**docket entry 14**). Having carefully considered the motion, which is unopposed, and being fully advised in the premises, the Court finds as follows:

Defendant Massey Land & Timber, LLC ("Massey") was served with process on August 23, 2005. On October 21, 2005, the plaintiff filed a motion for entry of default against Massey. On October 24, Massey filed its answer. Thereafter, on October 26, 2005, the Clerk entered default against Massey. Because an answer had been filed, entry of default was improper and shall be set aside. Accordingly,

IT IS HEREBY ORDERED that defendant Massey Land & Timber, LLC's motion to set aside clerk's entry of default and motion to set aside default (**docket entry 14**) is GRANTED;

FURTHER ORDERED that the clerk's entry of default against Massey Land & Timber, LLC, entered October 26, 2005, is hereby set

aside.

SO ORDERED, this the 14th day of December, 2005.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE